APPEAL NO. 020768
FILED MAY 9, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 28, 2002. With regard to the extent-of-injury issues before him, the hearing officer determined that the appellant's (claimant herein) compensable injury extended neither to right carpal tunnel syndrome (CTS) nor to right ulnar neuropathy. The claimant appeals, arguing that medical evidence supported her contention that her injury extended to both right CTS and to right ulnar neuropathy. The claimant also complains that the hearing officer should have admitted an exhibit and that the hearing officer misidentified the exhibit. The respondent (self-insured herein) argues that the hearing officer's decision was supported by sufficient evidence.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

It is undisputed that the claimant sustained a compensable injury in the form of a laceration to her right elbow. The issues before the hearing officer regarded the extent of the compensable injury. We have held that the question of extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's resolution of the extent of the claimant's injury is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The claimant also appeals the hearing officer's decision to exclude a witness statement.[1] We review the hearing officer's evidentiary ruling on an abuse-of-discretion standard. We have held that to obtain reversal of a judgment based upon error in the admission or exclusion of evidence, the complaining party must show that the error was reasonably calculated to cause, and probably did cause, the rendition of an improper judgment. Hernandez v. Hernandez, 611 S.W.2d 732 (Tex. Civ. App.-San Antonio 1981, no writ). In this case, the hearing officer excluded the statement as not being relevant to the issues before him. We find no abuse of discretion in the hearing officer's exclusion of the statement.

[1]We note that the claimant complains because the hearing officer identified the statement in his decision as being the statement of a student when it was actually the statement of the music teacher. It appears from the record that the hearing officer was well aware that the statement was that of a lay witness describing in detail the claimant's laceration.

The decision and order of the hearing officer are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

Gary L. Kilgore
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Roy L. Warren
Appeals Judge